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*S. M. Brandt* and *R. T. Thorp, Jr.*, both of Norfolk, for plaintiff in error.

*John R. Saunders*, *Atty. Gen.*, *J. D. Hank, Jr.*, *Asst. Atty. Gen.*, and *Leon M. Bazile*, *Second Asst. Atty. Gen.*, for the Commonwealth.

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PERKINS *v.* NORFOLK & W. RY. CO. et al.

Jan. 19, 1922.

[110 S. E. 927.]

Action by E. H. Perkins, administrator of Luther Perkins, deceased, against Walker D. Hines, Director General of Railroads, and another. From a judgment for defendants, plaintiff appeals. Affirmed by an equally divided court.

*W. B. Snidow*, of Pearisburg, for plaintiff in error.

*Jas. D. Johnston*, of Roanoke, and *Williams & Farrier*, of Pearisburg, for defendant in error.

PER CURIAM. Affirmed by an equally divided court.

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RHINEHART *v.* PIRKEY.

Jan. 19, 1922.

[110 S. E. 927.]

Action between one Rhinehart and one Pirkey. Judgment for Pirkey, and Rhinehart brings error. Affirmed by equally divided court.

*Haden & Haden*, of Fincastle, for plaintiff in error.

*O. B. Harvey*, of Clifton Forge, for defendant in error.

PER CURIAM. Affirmed by an equally divided court.

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JACOBS *v.* COMMONWEALTH.

March 16, 1922.

[111 S. E. 90.]

1. Homicide (§ 13\*)—Law Implies Malice from Killing with Pistol. —Even though the defendant and deceased had been on good terms

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\*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.